

REMARKS

The Office Action of January 14, 2005 has been carefully studied. As yet, no claims have yet to be allowed. The claims in the case are now 1-12.

The following paragraphs correspond to the order of the paragraphs of the Office Action:

Claim Rejections - 35 U.S.C. 102

Claims 1 and 5 of the present application are amended so as to require the extract to contain less than 1% by weight of Rutin. Such an extract flies in the face of the teachings of Ghosal 6,124,268, specifically column 12, lines 21-23, repeated as follows:

"Hence, the presence of Rutin, along with Em-A/B, augments the antiooxidative-radical captodative actions of CAPROS."

Bearing in mind that the lower limit of Rutin in the CAPROS extract is 5%, there would be no motivation for one of ordinary skill in the art to lower the concentration to less than 5%, much less to less than 1%, in view of the importance of Rutin, as set forth above.

Thus, where the prior art teaches away from the concept of an extract having less than 1% Rutin, it also teaches away from any methods of using such an extract.

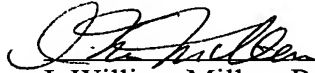
It is also seen that broad claims 1 and 5 are amended so as to point out that the application is conducted for a sufficient time and in sufficient amounts so as to obtain the desired results. There is certainly nothing in the prior art which would suggest applying Applicants' composition containing less than 1% Rutin in this way.

New claim 9 requires the method to be conducted for a sufficient time and in sufficient amounts to visibly change or approve the appearance of the skin, support being found on page 7, last 3 lines. Finally, additional claims are added which are directed to the standardized composition, support being found in the tables on pages 6 and 7.

In view of the above remarks, favorable reconsideration is courteously requested.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,


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